

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 3:19-cr-30004

ERIC IRVAN

DEFENDANT

**OPINION AND ORDER**

The Court has received a report and recommendation (“R&R”) (Doc. 81) from Chief United States Magistrate Judge Mark E. Ford. The Magistrate Judge recommends that Defendant Eric Irvan’s motion to vacate under 28 U.S.C. § 2255 (Doc. 61) be found moot because Mr. Irvan has completed his term of imprisonment and is no longer incarcerated, but that a certificate of appealability from this ruling be authorized. Mr. Irvan timely filed objections (Doc. 84) to the R&R. The Court has conducted a *de novo* review of the R&R in light of Mr. Irvan’s objections. *See* 28 U.S.C. § 636(b)(1)(C). Mr. Irvan’s objections offer neither law nor fact requiring departure from the Magistrate Judge’s findings, which otherwise contain no clear error. The R&R is ADOPTED IN ITS ENTIRETY.

IT IS THEREFORE ORDERED that Mr. Irvan’s motion to vacate under 28 U.S.C. § 2255 (Doc. 61) is DISMISSED WITH PREJUDICE on grounds of mootness, and a certificate of appealability is authorized. Judgment will be entered accordingly.

IT IS SO ORDERED this 5th day of February, 2024.

/s/ P. K. Holmes, III

P.K. HOLMES, III  
U.S. DISTRICT JUDGE